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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/698,710

**Applicant(s)**

GEISEL ET AL.

**Examiner**

JAMIE H. SWARTZ

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 9, 2009 has been entered.

This action is in response to Applicant's filing of June 9, 2009. Claims 1-28 are pending and examined below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5 and 7-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,129,273 to Shah (Shah) in view of US Patent 5,040,226 to Elischer (Elischer) in further view of Carey et al (US 6125196 A).

With respect to claim 1

Shah teaches:

An image-enabled, financial transaction processing system recorded on a computer-readable medium and adapted for use at a point of presentment, comprising:

an input at the point of presentment receptive of an image of a physical item at least partially embodying a financial transaction, wherein the image includes a visual record of an amount of monetary value (i.e. check reader/checker, see col 2, lines 58-67, col 5, lines 48-63, col 6, lines 15-40 and fig 3, note that the reader/checker includes an optical scanner adapted to read the amount of the check, note also the keyboard, camera, and patron card slot);

an image recognition module adapted to extract analyze the amount of monetary value recorded in the image visual record and recognize the amount from the visual record using optical character recognition to generate an item record including the image and the

amount (i.e. OCR software, see col 2, line 41 – col. 3, line 12, col 6, lines 15-40 and fig 3);

a validation module adapted to determine whether the transaction is valid at the point of presentment based on a validation characteristic of the item record wherein the validation module is configured to accept the item record if the validation characteristic is valid or to reject the item record (i.e check approval process, see col 2, line 58-col 3, line 12, col 6, lines 15-40 and fig 3, col. 1, lines 52-59);

an output at the point of presentment adapted to transmit information indicating whether the transaction is at least one of balanced and valid (i.e. message relayed to payee, see col 7, lines 36-41).

wherein a portion of at least one of the image recognition module, the validation module and the balancing module are embodied on a computer readable medium (col. 6, line 41 – col. 7, line 3).

Shah does not explicitly teach:

issue a message identifying an invalid validation characteristic and request correction if the validation characteristic is not valid.

Carey teaches:

issue a message identifying an invalid validation characteristic and request correction if the validation characteristic is not valid (see at least Col. 13, lines 8-35).

This known technique is applicable to the system of Shah as they both share characteristics and capabilities, namely, they are directed towards computerized check processing systems. One of ordinary skill in the art would have recognized that applying the known technique of Carey would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Carey to the teachings of Shah would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such check processing features into similar systems. Further, issuing a message identifying something that is incorrect and requesting correction to Shah would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow for a better notification system when errors occur which would lead to more efficient error correction.

Shah does not explicitly teach:

a balancing module adapted to determine whether the transaction  
is balanced based on the amount of monetary value;

Elischer teaches:

a balancing module adapted to determine whether the transaction  
is balanced based on the amount of monetary value (i.e. balance and  
verification module, see col 11, lines 1-25);

This known technique is applicable to the system of Shah as they both share characteristics and capabilities, namely, they are directed towards processing

documents related to financial transactions. One of ordinary skill in the art would have recognized that applying the known technique of Elischer would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Elischer to the teachings of Shah would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such check processing features into similar systems. Further, applying balancing features to Shah would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow order to balance transactions in such a manner as to quickly find and correct unreadable or misread amounts as taught explicitly by Elischer (see col 3, lines 25-33) for more accurate financial records.

The combination of Shah and Elischer does not explicitly teach:

wherein the balancing module is configured to accept the transaction if it is balanced, or to reject the transaction, issue a message identifying an out-of-balance condition and request a corrective action if the transaction is not balanced.

Carey teaches:

wherein the balancing module is configured to accept the transaction if it is balanced, or to reject the transaction, issue a message identifying an out-of-balance condition and request a corrective action if

the transaction is not balanced. (see at least col. 13, lines 55-col 14, line 3, col. 15, lines 1-35).

This known technique is applicable to the system of Shah and Elischer as they both share characteristics and capabilities, namely, they are directed towards computerized check processing systems. One of ordinary skill in the art would have recognized that applying the known technique of Carey would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Carey to the teachings of Shah would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such check processing features into similar systems. Further, accepting a transaction when balanced and rejecting a transaction when out of balance including corrective action request to Shah would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow for a better notification system when errors occur which would lead to more efficient error correction. When a transaction is out of balance corrective action is important to effectively and efficiently correct the errors.

With respect to claim 2

Shah in view of Elischer teaches:

The system of claim 1 (see rejection of claim 1 above), wherein said input is receptive of information in a non-image format that includes the validation characteristic (see Shah col 5, lines 48-63, col 6, lines 15-67, note that the input



can read the magnetic information from the check and the patron card. Each of these sources information such as bank routing numbers and account numbers which are used in the validation process, see col 7, lines 4-41 and fig 5).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 3

Shah in view of Elischer teaches:

The system of claim 1 (see rejection of claim 1 above), wherein the validation characteristic is visually recorded in the image (i.e. amount, signature), and said image recognition module is adapted to extract the validation characteristic recorded in the image (see Shah col 7, lines 4-41 and fig 5).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 4

Shah in view of Elisher teaches:

The system of claim 3 (see rejection of claim 3 above), wherein the validation characteristic corresponds to at least one of a routing number and an account number (i.e. bank account numbers), and said image recognition module is adapted to recognize the validation characteristic using character recognition (i.e. OCR identifies amount and verifies signatures, see Shah col 7, lines 4-41 and fig 5).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 5

Shah in view of Elischer teaches:

The system of claim 3 (see rejection of claim 3 above), wherein the validation characteristic corresponds to a signature of a party to the transaction, the system further comprising a biometric analysis module adapted to perform a similarity alignment between the signature and a signature stored in memory (see Shah col 6, lines 28-40, note the teaching of signature authentication. The teaching of authentication fairly suggests comparing the similarity of the scanned signature to a reference, such as one stored in the payee's file).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 7

Shah in view of Elischer teaches:

The system of claim 1 (see rejection of claim 1 above), wherein said input is further receptive of an electronic substitute cash ticket (i.e. patron card) having an amount of monetary value associated therewith (i.e. credit available on card, see Shah, col 8, line 55-col 9, line 12), and said balancing module is further adapted to determine whether the transaction is balanced based on the amount of monetary value associated with the substitute cash ticket (see Shah col 9, lines 9-12 in combination with Elisher col 11, lines 1-26, note that Shah teaches the updating of the credit amount of the card and Elisher teaches a verification/balancing feature. The combined teaching fairly suggests performing a verification/balancing operation in the course of transferring credit to and from the patron card).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 8

Shah in view of Elischer teaches:

The system of claim 1 (see rejection of claim 1 above), wherein said input is receptive of multiple images of multiple physical items embodying the transaction (see Elischer, col 11, lines 1-26, note that multiple checks and a deposit slip are taught),

wherein one image is of an item representative of the transaction as a whole (i.e. deposit slip), and said balancing module is adapted to compare totals of amounts extracted from image of items to totals of amounts visually recorded in the image of the item representative of the transaction as a whole (see Elischer, col 11, lines 1-26).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 9

Shah in view of Elischer teaches:

The system of claim 1 (see rejection of claim 1 above), wherein said balancing module is adapted to generate an electronic version of the transaction (note that an image of the no-match condition is displayed on the display module to aid in manual correction, see Elischer, col 11, lines 1-26, see also Shah, col 7, lines 36-41, message relayed to payee), said output is adapted to transmit the electronic version (see also Shah, col 7, lines 36-41, message relayed to payee), said input is receptive of supplemental information assistive in at least one of balancing and validating the transaction (see Elischer, col 11, lines 1-26, note that the operator

enters key corrections to aid in balancing), and said balancing module is adapted to balance the transaction based on the supplemental information (see Elischer, col 11, lines 1-26, note that the balancing process continues based on the key corrections).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 10

Shah in view of Elischer teaches:

The system of claim 1 (see rejection of claim 1 above), wherein said output is adapted to transmit an electronic version of the transaction including the images note that an image of the no-match condition is displayed on the display module to aid in manual correction, see Elischer, col 11, lines 1-26).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 11

Shah in view of Elischer teaches:

The system of claim 10 (see rejection of claim 10 above), wherein the electronic version of the transaction includes metadata marking the transaction as a truncated transaction (see Elischer, col 11, lines 1-26, note that the meta-data is the order suggested by the sequencer and the transaction is truncated in so far as its processing is incomplete due to a no-match condition).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 12

Shah in view of Elischer teaches:

An image-enabled item processing method for use in performing a financial transaction at a point of presentment, comprising:

initiating communication with a party to a transaction at a point of presentment of physical items embodying the transaction, wherein at least one physical item has an amount of monetary value visually recorded thereon (see Shah col 7, lines 4-41 and fig 5, note that the payee initiates the use of a check-cashing terminal by entering a PIN and that the check has the amount of value written on it);

reading item images into computer memory by generating an image record of each of the physical items and storing the image records in computer memory (see Shah col 7, lines 4-41 and fig 5, note that the scanner scans optically reads the check);

validating the transaction by comparing a validation characteristic of at least one item to a validation characteristic stored in computer memory by accepting the at least one item if the validation characteristic is value or rejecting the at least one item (see Shah col. 1, lines 52-59, col 7, lines 4-41 and fig 5, note that verification is made that the check meets the check acceptance criteria);

recognizing at least one amount of monetary value recorded on the items by extracting amount sections from the item images and recognizing amounts in the extracted amount sections using optical character

recognition (see Shah col 7, lines 4-41 and fig 5, note that the scanner identifies the amount of the check);

posting the transaction, including transmitting the item images to a central location having a relational database storing records of transactions (see Shah, col 6, lines 10-14, note that data relating to the customer transaction is downloaded. It is fairly suggested that the download is done to a central location and that it have a database since a clearing process must take place to complete the entire banking transaction since the operator of the check cashing terminal must receive the funds already advanced to the customer based on the value of the check).

Shah does not explicitly teach:

issuing a message identifying an invalid validation characteristic and request correction if the validation characteristic is not valid.

Carey teaches:

issue a message identifying an invalid validation characteristic and request correction if the validation characteristic is not valid (see at least Col. 13, lines 8-35).

This known technique is applicable to the system of Shah as they both share characteristics and capabilities, namely, they are directed towards computerized check processing systems. One of ordinary skill in the art would have recognized that applying the known technique of Carey would have yielded predictable results and resulted in an

improved system. It would have been recognized that applying the technique of Carey to the teachings of Shah would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such check processing features into similar systems. Further, issuing a message identifying something that is incorrect and requesting correction to Shah would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow for a better notification system when errors occur which would lead to more efficient error correction.

Shah does not explicitly teach:

balancing the transaction at the point of presentment based on at least one recognized amount before terminating communication with the customer at the point of presentment;

Elischer teaches:

balancing the transaction at the point of presentment based on at least one recognized amount before terminating communication with the customer at the point of presentment (i.e. balance and verification module, see col 11, lines 1-25);

This known technique is applicable to the system of Shah as they both share characteristics and capabilities, namely, they are directed towards processing documents related to financial transactions. One of ordinary skill in the art would have

recognized that applying the known technique of Elischer would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Elischer to the teachings of Shah would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such check processing features into similar systems. Further, applying balancing features to Shah would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow order to balance transactions in such a manner as to quickly find and correct unreadable or misread amounts as taught explicitly by Elischer (see col 3, lines 25-33) for more accurate financial records.

The combination of Shah and Elischer does not explicitly teach:

accepting the transaction if it is balanced, or rejecting the transaction, issuing a message identifying an out-of-balance condition and requesting a corrective action if the transaction is not balanced.

Carey teaches:

accepting the transaction if it is balanced, or rejecting the transaction, issuing a message identifying an out-of-balance condition and requesting a corrective action if the transaction is not balanced. (see at least col. 13, lines 55-col 14, line 3, col. 15, lines 1-35).

This known technique is applicable to the system of Shah and Elischer as they both share characteristics and capabilities, namely, they are directed towards computerized



check processing systems. One of ordinary skill in the art would have recognized that applying the known technique of Carey would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Carey to the teachings of Shah would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such check processing features into similar systems. Further, accepting a transaction when balanced and rejecting a transaction when out of balance including corrective action request to Shah would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow for a better notification system when errors occur which would lead to more efficient error correction. When a transaction is out of balance corrective action is important to effectively and efficiently correct the errors.

With respect to claim 13

Shah in view of Elischer teaches:

The method of claim 12 (see rejection of claim 12 above), further comprising correcting the transaction before said balancing the transaction (see Elischer col 11, lines 1-26, note that key corrections are entered and the balancing process continues).

(see rationale supporting obviousness and motivation to combine of claim1 above)

With respect to claim 14

Shah in view of Elischer teaches:

The method of claim 13 (see rejection of claim 13 above), wherein said step of correcting the transaction includes correcting misrecognition of an item detail stored computer memory (see Elischer col 11, lines 1-26, note that key corrections are made to correct no-match situations, see also Shah col 9, lines 30-49).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 15

Shah in view of Elischer teaches:

The method of claim 13 (see rejection of claim 13 above), wherein said step of correcting the transaction includes:

communicating a need for alteration of an item to the party to the transaction (see Elischer col 11, lines 1-26, note that the no-match condition is communicated to the operator);

reading an altered item image into computer memory (see Elischer col 11, lines 1-26, note that key correction are entered); and  
reflecting alteration of the item in the transaction (see Elischer col 11, lines 1-26, note that balancing continues based on the correction).

(see rational supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 16

Shah in view of Elischer teaches:

The method of claim 13 (see rejection of claim 13 above), wherein said step of correcting the transaction includes: communicating need for removal of an item to the party to the transaction; and removing the item from the transaction (see Shah col 7, lines 37-41, note that if the check does not meet matching criteria, a message is relayed to the payee, and the check is returned).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 17

Shah in view of Elischer teaches:

The method of claim 13 (see rejection of claim 13 above), wherein said step of correcting the transaction includes:

requesting at least one additional item from the party to the transaction (see Shah col 9, lines 31-49, note that a code is requested);  
reading an additional item image into computer (see Shah col 9, lines 31-49, note that a code is transmitted to the ACCT); and  
adding the additional item image to an electronic version of the transaction (see Shah col 9, lines 31-49, note that the processing of the check continues as before. Note that because the check is processed according to the normal process, the rescanning of the check in combination with the code fairly suggests adding the rescanned check as an additional item).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 18

Shah in view of Elischer teaches:

The method of claim 13 (see rejection of claim 13 above), wherein said step of correcting the transaction includes: communicating invalidity of an item to the party to the transaction at the point of presentment; and removing the invalid item from the transaction (see Shah col 7, lines 37-41, note that a message is communicated to payee and that the check is returned).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 19

Shah in view of Elischer teaches:

The method of claim 13 (see rejection of claim 13 above), wherein said step of correcting the transaction include: reading an item image into computer memory a second time (i.e. processing the check again having been authorized to do so by the code); and replacing a first instance of the item image in computer memory with a second instance of the item image (see Shah col 9, lines 31-49, note that replacement of the image is fairly suggested by the reprocessing of the check, including the scanning.).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 20

Shah in view of Elischer teaches:

The method of claim 12 (see rejection of claim 12 above), further comprising: creating a substitute cash ticket image; and adding the substitute cash ticket image to an electronic version of the transaction (see Elischer col 11, lines 1-26

in combination with Shah col 9, lines 31-49, note that Elischer teaches a deposit slip. If the deposit slip were to fail recognition, it is fairly suggested that a replacement process similar to the one taught by Shah would be followed).  
(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 21

See rationale supporting the rejection of claim 11 above.

With respect to claim 22

Shah in view of Elischer teaches:

The method of claim 12 (see rejection of claim 12 above), further comprising employing centralized business rules specifying validation and recognition procedures that are promulgated by a user from a central location to remote locations affording points of presentment (see Shah col 6, lines 10-14 and 41-67, note that payee's file contains validation and recognition rules. It is central in so far as it can be stored on the card and transferred between ACCTs. Note further that Shah suggests download and receipt of data related to customers files which also suggests centralization of such rules).  
(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 23

Shah in view of Elischer teaches:

The method of claim 12 (see rejection of claim 12 above), wherein said step of validating the transaction includes comparing a code line of an item to a plurality of code lines of financial institutions prior to said balancing the transaction (see

Shah col 7, lines 4-41, note that correct bank account numbers are verified. This fairly suggests comparing them to a plurality of financial institutions in so far as such a comparison is a natural verification method).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 24

Shah in view of Elischer teaches:

The method of claim 12 (see rejection of claim 12 above), wherein said step of validating the transaction includes:

identifying a party to the transaction associated with a selected one of the physical items (i.e. via PIN/identification card, see Shah col 7, lines 4-41);

extracting a signature of the party to the transaction from an item image related to the selected one of the physical items (i.e. inspect the signatures, see Shah col 7, lines 4-41); and

comparing the signature extracted from the item image to a signature of the party to the transaction stored in computer memory (see Shah, col 6, lines 28-30, note that such a comparison is suggested by the authentication of signatures).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

5. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah in view of Elischer and in further view of US Patent 4,734,859 to Hamaguchi (Hamaguchi).

With respect to claim 25

Shah in view of Elischer teaches:

The method of claim 12 (see rejection of claim 12 above), further comprising:

attempting to recognize check amounts based on images of checks of the transaction, wherein at least one attempt is governed at least in part by a code line of an associated check;

Shah in view of Elischer does not explicitly teach:

attempting to recognize a party to the transaction identity and a total transaction amount based on an image of a deposit slip of the transaction;

partially filling an electronic form representing the transaction based on successful recognition attempts; and

completely filling the electronic form based on input from at least one of the party to the transaction and a teller at the point of presentment in communication with the party to the transaction.

Hamaguchi teaches:

attempting to recognize a party to the transaction identity and a total transaction amount based on an image of a deposit slip of the

transaction (see col 3, lines 9-col 4, line17, and Fig 1 note that the items, including the name of the party are recognized);

partially filling an electronic form representing the transaction based on successful recognition attempts (see col 3, lines 9-col 4, line 17, and Fig 1, note that the recognized elements are displayed for review by the user); and

completely filling the electronic form based on input from at least one of the party to the transaction and a teller at the point of presentment in communication with the party to the transaction (see col 3, lines 9-col 4, line 17, and Fig 1, note that a clerk applies the necessary corrections and complementing data, and once the corrections are accepted by customer, the form is complete).

It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided Shah in view of Elischer with the deposit slip processing features of Hamaguchi in order to have improved the reliability of the transaction processing system and lessen the load on the clerk as taught explicitly by Hamaguchi (see col 1, lines 38-49)

With respect to claim 26

Shah in view of Elischer and Hamaguchi teaches:

The method of claim 25 (see rejection of claim 25 above), further comprising prompting at least one of the party to the transaction and the teller at the point of presentment for input in the case of a failed recognition attempt (see Hamaguchi



col 3, lines 38-60, note that the clerk is prompted, see also Shah, col 7, lines 37-41, note that a message is relayed to payee, see also Shahcol 9, lines 31-49, note that both payee and operator are prompted).  
(see rationale supporting obviousness and motivation to combine of claims 1 and 25 above)

With respect to claim 27

Shah in view of Elischer and Hamaguchi teaches:

The method of claim 25 (see rejection of claim 25 above), further comprising:

making a comparison between a total amount of the electronic form  
and a summation of transaction item amounts present in the electronic  
form (See Elischer, col 11, lines 1-24, note that the transaction total is  
compared to the value computed from the recognized amounts ); and  
informing at least one of the party to the transaction and the teller at  
the point of presentment of results of the comparison (see Elischer col 11,  
lines 1-24, note that the operator is informed of no match occurrences,  
see also Shah, col 7, lines 37-41, note that a message is relayed to  
payee).

(see rationale supporting obviousness and motivation to combine of claims 1 and 25 above)

With respect to claim 28

Shah in view of Elischer and Hamaguchi teaches:

The method of claim 25 (see rejection of claim 25 above), wherein said step of posting the transaction includes storing the item images in computer memory in association with the electronic form (see Hamaguchi, col 3, lines 30-34, note that the transaction is performed in combination with Shah, col 6, lines 10-14, note that data relating to the customer transaction is downloaded. As such, it must be stored until the download can occur. It is fairly suggested that the images are associated with the electronic forms since these are documents are the record of the transaction)

(see rationale supporting obviousness and motivation to combine of claims 1 and 25 above)

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shah in view of Elischer and in further view of US Patent Application Publication 2001/0017709 for Murakami (Murakami).

With respect to claim 6

Shah in view of Elischer teaches:

The system of claim 3 (see rejection of claim 3 above), but does not explicitly teach wherein the validation characteristic corresponds to a digital watermark .

Murakami teaches:

wherein the validation characteristic corresponds to a digital watermark (see par

8)

It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided Shah in view of Elischer with the digital watermark features of Murakami in order to have inhibited the copying of printed matter as taught explicitly by Murakami (see par 8).

### ***Response to Arguments***

7. Applicant's arguments filed 6/09/2009 have been fully considered but they are not persuasive.
8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Both Shah and Elischer are related by similar technologies which involve similar check processing and financial transaction systems. Further Elischer shows that the technology of balancing and correction existed in the check processing art at the time of the invention.
9. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection. The applicant has amended the independent claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE H. SWARTZ whose telephone number is (571)272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694